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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/810,147

03/25/2004

William Hal Rayman

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8365

8791

7590

07/14/2005

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EXAMINER

KING, ANITA M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/810,147	Applicant(s) RAYMAN, WILLIAM HAL	
	Examiner Anita M. King	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 and 28 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14,16-24,26 and 27 is/are rejected.
- 7) ☒ Claim(s) 3 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

This is the second office action for application number 10/810,147, Baby Bottle Holding Apparatus, filed on March 25, 2004.

### ***Drawings***

The drawings filed on April 25, 2005 are objected to because Fig. 5E does not show the sound chip (543) coupled to the power source (544); the drawings do not show the light source coupled to the lower portion nor the center portion as cited in claim 9; and the drawings do not shown the sound chip coupled to the power source. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Response to Amendment***

The indicated allowability of claims 6 and 18 is withdrawn in view of the newly discovered reference(s) to Musumeci et al. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4-7, 9-13, 16-19, 21-24, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,158,870 to Ramirez in view of U.S. Patent 4,723,801 to Musumeci et al, hereinafter, Musumeci. Ramirez discloses a baby bottle holder (26) comprising: at least one protruding side; a top portion coupled to a center portion, the center portion having at least one viewing portion (51); a lower portion including a through hole; a base portion (50) removably coupled to the lower portion; wherein the baby bottle holder is adapted to hold a baby bottle (20, 20'); the base portion having a horn shape to prevent tipping of the baby bottle holder; the at least one protruding side having a plurality of interconnected keys (28, wires interconnect the buttons, see Col. 8, line 58ff); further including a sound chip (Col. 7, line 20ff) coupled to a power source (36) and a speaker (31), at least one switch (47) is coupled to the power source and a sound controller (28'), wherein the sound chip, the power source, and the speaker are disposed within the base portion; the power source coupled to a light source (41') and at least one switch, the at least one switch to enable

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the light source to light, wherein the light source is coupled to one of the center portion, the lower portion, and the base portion; a light source controller; a baby bottle (20, 20') removably coupled to the baby bottle holder; and the baby bottle including a bottle portion, a cap portion (27) including a nipple (24, 24'), and a cap lid (@22).

Ramirez discloses the claimed invention except for the limitation of the at least one protruding side having portions constructed of teething material. Musumeci teaches a baby bottle holder (30) comprising at least one protruding side having portions (38) molded with teething material (Col. 2, line 28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the material of the portions in Ramirez to have been constructed of teething material for the purpose of providing means to assist in the development of the baby's teeth.

Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez combined with Musumeci and in further view of U.S. Patent 5,044,509 to Petrosky et al, hereinafter, Petrosky. Ramirez combined with Musumeci disclose the claimed invention except for the limitation of the top portion having a conical shape. Petrosky teaches a baby bottle holder (10) having a top portion (@15) coupled to a center portion (12), a lower portion (23) including a through hole (19), a base portion (13 & 24), and the top portion having a conical shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the holder in Ramirez wherein the baby bottle can be received by the holder from the lower portion through hole as opposed to the top portion and to have included the top portion

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of the holder as taught by Petrosky for the purpose of providing an aesthetically different appearance to the top portion of the bottle holder that substantially conforms to the shape of the baby bottle received within the holder.

Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez combined with Musumeci and in further view of U.S. Patent D212,921 to Bloomberg. Ramirez combined with Musumeci disclose the claimed invention except for the limitation of the baby bottle holder being shaped like one of a clarinet, a bugle, a saxophone, and a rocket ship. Bloomberg teaches a baby bottle having a base portion and a handle and wherein the baby bottle is in the shape of a bugle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the top portion of the holder in Ramirez to have included the handle as taught by Bloomberg for the purpose of providing a more efficient gripping means for handling the baby bottle holder as a unit and thus would emulate a shape of a bulge for aesthetic purposes.

#### ***Allowable Subject Matter***

Claims 3 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 25 and 28 are allowed.

***Response to Arguments***

In response to applicant's arguments that Petrosky does not teach at least one protruding side, Petrosky is a secondary reference used only to teach the limitation of the top portion having a conical shape, it not need teach every limitation of claim 1 or 13.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 1,637,719 to Whitlock

U.S. Patent 2,733,883 to Gourley

U.S. Patent 3,082,985 to Herdman

U.S. Patent 3,289,986 to Martin

U.S. Patent 3,512,301 to Kramer

U.S. Patent 3,718,360 to Knutzen

U.S. Patent 5,119,279 to Makowsky

U.S. Patent 6,413,137 to Myers, Sr.

U.S. Patent 6,872,116 to Dunnum et al.

Whitlock discloses a baby bottle holder having a viewing portion. Gourley discloses a nursing bottle holder having teething material. Herdman discloses a baby bottle holder having a conical shape top portion. Martin discloses a holder for nursing bottles and teething elements. Kramer discloses a baby bottle holder having a teething element.


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Knutzen discloses a baby bottle holder having a plurality of protruding sides. Makowsky discloses a lighted drinking vessel. Myers, Sr. discloses an entertaining attachment for an infant's nursing bottle. Dunnum et al. disclose a musical baby bottle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anita M. King  
Primary Examiner  
Art Unit 3632

July 11, 2005